

SESSION OF 2025

**SUPPLEMENTAL NOTE ON HOUSE CONCURRENT
RESOLUTION NO. 5006**

As Recommended by House Committee on
Federal and State Affairs

Brief*

HCR 5006, if adopted by a two-thirds majority of each chamber of the Kansas Legislature and approved by voters, would amend the *Kansas Constitution* in Article 4 to classify the right to bear arms as a natural and fundamental right that includes the possession and use of ammunition, firearm accessories, and firearm components, and would require government restrictions be held to a strict scrutiny standard.

[*Note:* In Constitutional jurisprudence, strict scrutiny is the highest level of scrutiny that may be applied to a challenged law, requiring the government show that the policy is narrowly tailored to further a compelling government interest and that the policy is the least restrictive means to further that interest.]

The resolution requires the following explanatory statement be printed on the ballot with the text of the amendment if it is submitted to the voters for their approval:

This amendment recognizes that the right of the people of Kansas to keep and bear arms shall not be infringed and clarifies that the right includes the possession and use of ammunition, firearm accessories, and firearm components. This amendment further recognizes that the right to keep and bear arms is a natural and fundamental right

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

deserving the highest protection. Any restriction of the right to keep and bear arms shall be subject to the strict scrutiny standard.

A vote for this proposition would recognize that the right of the people of Kansas to keep and bear arms shall not be infringed and clarify that the right includes the possession and use of ammunition, firearm accessories, and firearm components. Such vote would also recognize the right to keep and bear arms as a natural and fundamental right. Any restrictions of such right would be subject to the strict scrutiny standard.

A vote against this proposition would make no changes to the Constitution of the State of Kansas with respect to the right to keep and bear arms.

If approved by two-thirds of the Legislature, the text of the resolution and the yea and nay votes of both the Kansas House of Representatives and the Kansas Senate would be published in the journals of both chambers.

The resolution would require the Secretary of State to publish the resolution and to submit the proposed constitutional amendment to voters at a special election on August 4, 2026, to coincide with the date of the 2026 Primary Election.

Background

The resolution was introduced by Representative Schmoe and 66 other representatives.

House Committee on Federal and State Affairs

In the House Committee hearing, **proponent** testimony was provided by the Attorney General, two representatives of the Kansas State Rifle Association, the National Shooting Sports Foundation, Women for Gun Rights, and two private citizens. The proponents indicated the amendment would require the highest level of constitutional scrutiny being applied in future firearms and firearms accessory-related legal challenges.

Written-only proponent testimony was provided by representatives of the Heller Foundation, National Rifle Association, Safari Club International, and three private citizens.

Opponent testimony was provided by two private citizens who expressed their concern with applying strict scrutiny to challenged laws, noting this language may allow persons previously convicted of a felony to challenge felon-in-possession laws.

Written-only opponent testimony was provided by representatives of the American Academy of Pediatrics Kansas Chapter, Moms Demand Action for Gun Sense in America, and 30 private citizens.

No other testimony was provided.

Firearms; ammunition; accessories; *Kansas Constitution*